

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH D. FARACI : CIVIL ACTION
: :
v. : :
: :
JAMES L. GRACE, et al. : NO. 04-1163

ORDER

AND NOW, this 22nd day of February, 2007, upon consideration of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry # 1), the response opposing that petition (docket entry # 12), the January 19, 2007 Report and Recommendation of the Honorable Timothy R. Rice (docket entry # 13), and petitioner's failure to object within ten days of service of the Report and Recommendation, as required by 28 U.S.C. § 636(b)(1) and the letter accompanying the Report and Recommendation, and the Court, in any event, agreeing with Judge Rice's cogent analysis,¹ it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for writ of habeas corpus is DENIED;
3. The Clerk shall CLOSE this matter statistically; and
4. Petitioner having failed to make a substantial showing of the deprivation of a constitutional right, we DECLINE to issue a certificate of appealability.

BY THE COURT:

/s/ Stewart Dalzell, J.

¹ Judge Rice recommended that we deny the petition because each of the eighteen claims is either procedurally defaulted and/or non-cognizable.